IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.42 OF 2006

COMPANY PETITION NO.948 OF 1997

Skyline NEPC Limited ..Appellant
v/s.
Hindustan Thompson Associates Limited .. Respondent

Mr.Sameer Samant i/by M/s.Mulla & Mulla for the appellant.

Mr.Cyrus Ardeshir with Ms.Falguni Thakkar i/by M/s.Rustomji & Ginwala for the respondent.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 21ST FEBRUARY, 2006.

P.C.

Heard.

2. In paragraph 7 of the impugned order, the learned Company Judge observed thus-

> "7. After hearing Counsel for the parties and perusing the documents accompanying the Petition and the reply filed by the Respondents, I have no hesitation in taking the view that this is a fit case for allowing the Petition in terms of prayer clauses (a) and (b) of the Petition. This is so, because the fact that the Petitioners have rendered services to the Respondent Company from time to time is not in dispute. The Respondent Company raised bills for the services so rendered from time to time. The outstanding claim of the Petitioners as on 31st March 1996 was stated to be Rs.1,51,25,790/- (Rupees One Crore Fifty-one Lakhs Twenty-

> five Thousand Seven Hundred Ninety). This position was communicated to the Respondents vide letter dated May 8, 1996. The Respondents have not disputed that liability. In fact, has conceded that the outstanding amount shown in their books of account to the credit of the Petitioners was Rs.1,52,00,482.98 (Rupees One Crore Fifty-two Lakhs Four Hundred Eighty-two & Paise Ninety-eight). Indeed, thereafter, part payment has been received by the Petitioners. But as of August 1996, the outstanding amount according to the Petitioners was to the extent of Rs.1,21,96,489.34 (Rupees One Crore Twenty-one Lakhs Ninety-six Thousand Four Hundred Eighty-nine & Paise Thirty-four) and which position was acknowledged and approved at the instance of the Respondents by one Mr.A.Rajesh, as is evident from the endorsement appearing on the statement of outstanding bills Exhibit `L' at page 45."

3. We looked into the original outstanding bill (Exhibit "L"). In view thereof, we find that the consideration of the matter by the learned Company Judge cannot be said to suffer from any error.

4. The contention of the learned counsel for the appellant that Mr.A.Rajesh was not authorised officer on behalf of the company to make endorsement is not supported by any material and has been made to avoid the admitted liability.

5. We are not impressed by this submission.

6. Appeal does not deserve to be admitted. Dismissed in limine.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)